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Thomas Smith -
Ottawa, Ont.
Canada

MR. McCARTHY'S SPEECH

AGAINST

Curran's Home Rule Resolutions in the House of Commons.

OTTAWA, APRIL, 1887.

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HOME RULE RESOLUTIONS

MOVED ON APRIL TWENTY-FIRST IN THE HOUSE OF COMMONS,
CANADA, BY

J. J. CURRAN, M. P. FOR MONTREAL CENTRE.

That the Parliament of Canada in the year 1882 adopted a humble Address to Her Most Gracious Majesty the Queen expressing the hope that a just measure of Home Rule would be granted to the people of Ireland; and

That in the year 1886, by Resolution of the House of Commons, the sentiments of said Address to Her Most Gracious Majesty were earnestly reiterated and the hope again expressed that a measure of Home Rule satisfactory to the people of Ireland would be passed by the Imperial Parliament; and

That such measure of Home Rule has not been granted to the Irish people, but, on the contrary, there has been introduced into the Imperial House of Commons by Her Majesty's Government a Bill enacting the most stringent coercive measures for Ireland, by which the Irish people will be deprived of rights most dear to all British subjects.

That this House has learned with profound regret of the introduction into the Imperial House of Commons of the

Coercion Bill above mentioned, and protests against its adoption, as being subversive of the rights and liberties of Her Majesty's subjects in Ireland.

That this House again expresses the hope that there may speedily be granted to Ireland such a measure of Home Rule as is enjoyed in the Dominion of Canada, which, whilst satisfying the national aspirations of the people of Ireland for self-government, shall also be consistent with the integrity of the Empire as a whole.

That the granting of Home Rule to Ireland will fittingly crown the already glorious reign of Her Most Gracious Majesty as a constitutional sovereign, will come with special appropriateness in this her jubilee year and, if possible, render Her Majesty more dear to the hearts of her already devoted and loyal subjects.

That the present resolutions be forwarded to the Right Hon. the Marquis of Salisbury, Prime Minister, to the Right Hon. W. E. Gladstone, M. P., and Charles Stuart Parnell, M. P.

The within speech against the passing of the above resolutions was delivered by Mr. Dalton McCarthy, M. P. for North Simcoe, in the House of Commons, on April 22nd.

MR. McCARTHY'S SPEECH

AGAINST MR. CURRAN'S HOME RULE RESOLUTIONS IN THE HOUSE OF COMMONS.

Mr. McCARTHY. This discussion has taken so wide a range, it may be well, perhaps, to recall the attention of the House to the matter upon which we shall bye-and-bye, and before very long, I trust, have to vote. I desire, in the statement I am about to make, to be free as possible from making any imputation upon the motives of any hon. gentleman who has addressed the House. I desire to treat this matter in as calm and judicial a spirit as under the circumstance it can be dealt with, and I ask that the house be recalled to the position in which we stand here, and the powers with which we are invested and the rights we possess here as representatives of the Canadian people. We have been on other occasions invited to vote, and on one occasion we almost unanimously did vote, in favor of the general principle of the establishment of Home Rule for Ireland, and on a more recent occasion, though perhaps not with such unanimity, we also recorded and reaffirmed our former opinion in favor of that general principle. But it has always been to me a matter of some doubt, and that doubt was not lessened by the rebuke with which our first reso-

lution was received, whether we had not stepped beyond our sphere, whether we had not gone beyond our right and function as a parliament or as an assembly to advise Her Majesty as to how this question between Great Britain and Ireland should be dealt with. Now, we sit here as a parliament it is true—as I believe, the greatest parliament under the British Empire, except the imperial parliament itself, and with larger and wider powers, with that exception than any other legislative body under the Crown of England. But after all we hold here but a delegated power. We have but the right which is conferred upon us under the charter enabling us as a Canadian people to govern ourselves, in the distribution of the power between the local legislative assemblies and this Parliament of Canada; and it is merely within that power and as far as that power goes, that, as it appears to me, we are sent here by the people of Canada to express their opinions. For my part, I do not know and I do not feel that I have any right here to express the opinions of my constituents on this question of Home Rule— upon the

question of how any particular measure should be decided or disposed of in the parliament of Great Britain and Ireland. I do not know that my constituents, in honoring me with the position which I hold in this House, gave me any mandate to express their opinions, to represent them or to bind their views with my own upon this question. I do not deny that we have all got the right of petition to the throne; that is a right belonging to every British subject. But it is one thing to meet in our public assemblies and exercise the right of petition, and it is quite another and a different thing to pretend, as representatives of the people, to express opinions which are not merely the opinions of the individual members who record their votes, but purport to be—and to have any value should be—a representation of the opinions of those who sent us here. Now I may be met, and properly met, by the answer that this opinion of mine is not in accordance with the votes which I have given on occasions, in support of the general principle of Home Rule. But we see where we are now being led. In 1882, I do not suppose there was any member of this house, I do not suppose that to-day there is any member of this House, no matter upon what side of the Chair he may sit—who does not feel a desire that the difficulties which have occurred, and which are still unfortunately existing in Ireland, should be done away with by means of some measure of legislation or other whatever means may be found of accomplishing that object. I do not suppose, therefore, that, in according to the general principle of Home Rule our hearty concurrence, as a means to that end, we went very far astray. But where are we now being led? One thing it was to express that general opinion; one thing it was to say that we believe, judging by the way in which we have found the measure of self-government which had been accorded to us had acted in this country, and that it would probably produce a like result in Ireland—that, I say, was one thing, but we are now proposing to deal with a specific and particular measure sub-

mitted to the British Parliament and upon which that Parliament had the responsibility of deciding. That, I take it, is the point of the resolution moved by my hon. friend from Montreal Centre (Mr. Curran.) It is not merely to reiterate our former opinion on Home Rule that this resolution is moved. The hon. gentleman has told us candidly—or rather, so I infer from his address—that the reason this matter was brought before this assembly was that the Coercion Bill, as it is called, had been introduced by the Government of England and that large and important meetings had been held throughout this country petitioning—as their right was and is—to petition against that or any other matter which they thought affected their individual interest—petitioning against this measure. In that view the hon. gentleman thought proper to bring the matter up in the house and ask us as a legislative body to express by this constitutional means our opinion upon this important question. If you eliminate from these resolutions the important paragraph relating to the question of the Coercion Bill, I do not suppose that the other part of them would have occupied to any great extent the attention of this House, as this matter has occupied it. To that, therefore, I desire to take exception—not from any feeling of hostility to the Irish race, of which I am proud to be a member; not from any desire to prevent that race getting such a measure of freedom or government, such constitutional redress as they may be able to get in a proper way; I take this position from no such feeling, and I trust that no word of mine can possibly be used in support of the supposition that I entertain any such feeling. It is not for any such reason as that, that I take this view, but because I believe that we had better leave with the properly constituted Imperial authorities the questions which belong to them, and we will find we have quite enough to do here in Canada with the management of our own affairs. We are proud, Sir, to know that since 1840 we have had what is called responsible government in this country. We have won the right from the British Crown to govern ourselves; according to

the well understood rules of constitutional government, and we have found as a whole that we have prospered in that way. But while that is so, are we not pretending to go a little too far? Are we not pretending to do too much when not content with the liberty which we enjoy ourselves, we propose to dictate to the Imperial Parliament which has delegated to us these powers, what they should do under circumstances where they have great responsibility and full knowledge, whereas we have neither the knowledge nor the responsibility which belongs to that great body? What is this Coercion Bill, so called, and why has it been introduced? I am not going to argue to-night in favor of that measure, nor am I going to argue against it. I humbly admit differing altogether from hon. gentlemen on the opposite side, for whom their leader spoke, that my acquaintance with the subject is not sufficient to enable me to discuss it in that way on my own account and form a competent opinion upon it, much less to bind those whom I represent in this house. The hon. gentleman opposite sneered at my two hon. friends who expressed an opinion to that effect, and said their speeches demonstrated their ignorance. Perhaps if he were candid he would have said—and I think I will point out before I am done that his knowledge on the subject is not quite so accurate as to enable him to cast a slur on hon. members on this side. I think hon. members of both sides of the house, if they are honest, will say that the percentage of members of this house who are prepared to assert that they know enough of this question to speak intelligently upon it, and to speak with the responsibility of members of parliament, is very small indeed, though I do not suppose we are to be blamed for that. We have enough, as I have said before, to do in governing our own land, and we cannot pretend to grasp the whole world of politics and understand the minutiae of the different questions which, at one time or other, may arise in the parliament of Great Britain. Now if the coercion bill, so-called, is for the purpose of enabling the home authorities, the government of the

queen, to enforce the laws of the land, it is not, as the hon. leader of the opposition said, effecting any change in the criminal law. It does, it is true, effect important changes in the procedure of that law. But there is nothing in the act of parliament, of which I have a copy—and I think the hon. gentleman spoke as if he had only read the statement of the chief secretary on the subject—there is nothing which, so far as I understand the criminal law, in the slightest degree creates offences, though undoubtedly it creates changes in the procedure for the suppression of the crimes which, by the common law of England and by various statutes passed from time to time have been created offences against which they are perhaps necessary, if the bonds of civilized society are not to be altogether unloosened. We know that there was a coercion bill in 1880 for a limited period of time, and another in 1881, again for a limited period of time. We know that the latter was caused by a terrible tragedy which occurred in Phoenix Park, which the hon. leader of the opposition has characterized as a massacre; and certainly we can all speak of it as the most diabolical murder of modern days. We are told that these Coercion bills have only added to the difficulties instead of removing them; and we were told this afternoon by the hon. membr. for Quebec East (Mr. Laurier) that that will always be so—that the attempt to have the laws of the land enforced must always be followed by meetings, by secret associations, by fresh and greater breaches of the criminal code. Well, sir, that has not been found to be the result of these enforcements of the criminal law. I hold in my hand a small history of the English parliament during the last five years, in which, speaking about coercion, the author tells us of this fact, which I commend to the attention of this House:

"The improvement was very limited, "it must be allowed; too slowly it developed; but eventually brightened considerably, and really another era had dawned for Ireland; if we consider "the decrease in the number of agrarian "outrages alone. In 1881 there were

"4,431. The year following the passage of the Crimes Act saw 762 only, and murders having decreased from twenty-six in 1881 to none in 1884." That was the effect of the passage of the Crimes bill in 1881. And when the period came for that Crimes bill to be renewed we know the difficulties that were supposed to have occurred in Mr. Gladstone's cabinet; and it was said by some that it was owing to these dissensions with regard to the renewal of that bill that that cabinet shortly afterwards fell. We know, too, as a matter of history, that Lord Salisbury's first administration refused to renew the crimes bill, and from that time to this the government of England has endeavored to govern Ireland by the ordinary law of the land. What has been the result? The result cannot be known to all; but when the Minister comes before the House of Commons and makes the statement in that house which I am about to read, asks for powers in order to secure the respect for the law of the land, I do not know very well how we, sitting 4,000 miles away, have a right to criticise, much less to censure, that Government. Mr. W. H. Smith, in bringing this matter to the notice of the house of commons used this language, after quoting Mr. Gladstone's own words used in 1881:—

"Is that the state of Ireland? Is one in which the administration of justice has failed, and in which to considerable extent the influence of terror places in abeyance the discharge of civil duties and the exercise of civil rights. The powers we ask for are necessary to maintain social order. They are necessary to maintain the very existence of society upon the conditions in force and recognized by every civilized community."

When the responsible minister of the crown, who has information not open to us here, comes down to the house of commons and uses language like that, I do not know very well how even in the house of commons the powers they ask are to be denied to them. They went farther and said, so serious do we find the conditions of affairs in Ireland to day that we tell the house of commons that

if they refuse to give us the powers which we as a government desire, after having for two years tried to govern the country by the ordinary laws of the land, we will surrender to others the responsibility of advising Her Majesty in the government of the country. The government made that statement, and fortified it by facts in their information some of which I have here and might mention, although I am not going to make anything like an exhaustive argument on this question. When I find the statement made by the chief secretary that out of over one thousand cases of crimes committed during the preceding year there had been only in the neighborhood of sixty convictions—and the statement made by the hon. leader of the opposition establishes it; when we know that the people in the different parts of the country have joined associations for the purpose of compelling the landlords to come down to their terms; when we know that sometimes growing out of those associations, crimes are committed, and sometimes crimes are committed not growing out of them because the bonds of civilized society are relaxed; and when we know that the jurors who are to try those people belong to those various associations, I want to know how it is possible to expect the criminal law to be enforced without special powers. Now, these are facts which induce the authorities charged with the responsibility of governing that country to say that they must have additional powers; and in the face of these facts we are asked here, in our ignorance of the position of affairs there, to practically vote against the principle of the bill which has received its second reading recently by a majority of over 100 in the house of commons of England. Are we, the people, to take such a position? Are we so negligent of law and order in this country? Are we so careful of liberty as it is called, as to entitle us to tell the people and parliament of Great Britain and Ireland that the laws which the responsible advisers of the crown say are requisite for the maintenance of society should not be passed? Do you remember the strike

on the Grand Trunk railway service which occurred, I think, in the year 1878. Do you remember, sir, the difficulty that occurred when Grand Trunk servants refused to do the bidding of their masters and struck, having combined, as it was their right to combine, for the purpose of advancing their own interest and getting better terms from their employers. But the hon. member for West Durham (Mr. Blake) who thinks it so wrong to make the Irish people obey the laws of the land, not merely created a new crime and altered the procedure, but brought down an act of parliament and backed by the whole strength of the party then in power, including the hon. member of Quebec (Mr. Laurier), that a breach of civil contract under the circumstances detailed in this act, should be a crime. A new difficulty had arisen, the people of Canada found themselves strong enough to cope with it, and the government of the day came down—I do not think it was the government, if my recollection serves me right, so much as the hon. member for West Durham—and proposed, not being competent enough for the emergency, not being Irish enough to understand how to frame the bill, that it should be given to a commission to frame; and the hon. member for West Durham brought down the bill and carried it through. I find in that measure that breaches of contract with railway companies, under certain circumstances which caused public inconvenience, were to be made criminal. But that is not the worst feature. Why, they were to be tried summarily—not by a court and jury. The great right of trial by jury was ignored by the hon. gentleman, and the trial was to take place before two magistrates who had power to send the accused to prison. That was the way we acted in circumstances of that kind. I voted against that measure, and I believe those associated on the opposition side of the house with me almost unanimously voted against it. We did not so vote on the ground that we had not the power to pass legislation of that kind, but we

denied that there was any occasion for so stringent amendment to the law. That was the coercion bill of that day, which remains from that day to this on our statutes. We may call it the coercion bill of the hon. member for West Durham, for he is certainly entitled to the credit of it more than any other hon. member.

MR. MILLS. Why do you not repeal it?

MR. McCARTHY. There is another matter. Let me investigate the bill which is being brought in the British Parliament, whether necessary or unnecessary, it is not for me to offer an opinion. I am merely endeavoring to point out to this house that we will be assuming very dangerous responsibility, if these resolutions are intended to affect any purpose except the purpose which I do not propose to mention, if they are intended in the slightest degree to affect the passage of the bill in the English Parliament—in asking this parliament to send home resolutions of that kind. What is the measure about which so much has been said here? Listening to what has been uttered on the floor of this house one would suppose the Irish people have no liberties.

MR. MILLS. Hear, hear.

MR. McCARTHY. One would suppose they were a down trodden race.

MR. MILLS. Hear, hear.

MR. McCARTHY. One would suppose they were in the position in which we were before responsible government was granted to us.

MR. MILLS. Worse.

MR. McCARTHY. Worse. They have a larger representation proportionately than have the people of England and Scotland in the united parliament of Great Britain. They have to-day eighty-seven members; and in the last parliament they held the balance of power between the two great political parties in the Imperial parliament. They boasted they could make or unmake governments, as we know they did. They have to-day a band of able representatives in that parliament; prepared and willing to support their views, and it may be said that by-and-bye they will successfully, perhaps, have their views carried

by means of the perseverance and power of that compact body directed by Mr. Parnell. It is not correct to compare the situation of the people in this country before responsible government was granted to us, with that of the Irish people to-day. The hon. member for Quebec East (Mr. Laurier) told us this afternoon that since we had been granted responsible government sullenness had disappeared from our midst and peace, happiness and loyalty to the crown prevailed throughout the land; but does not the hon. member forget that the bill which gave him that right was forced upon the people of Lower Canada against their wishes?

MR. LAURIER. It was the act of union they opposed.

MR. McCARTHY. Yes, and it is by the Act of Union that the hon. member got responsible government and the liberty to govern himself of which he has boasted, and which he says has enabled his people to live happily and prosperously under the British flag. That Act was passed in the British Parliament, against the will of the people of Lower Canada, and yet that union with the people of Upper Canada which lasted until the time of Confederation, was found, as my hon. friend has had to admit, to confer happiness and peace and prosperity upon us all. Now, the first thing I find in this Act is what, perhaps, may appear to be a terrible wrong, and that is the right to make preliminary investigation—the right, although no particular man may be charged with crime, to hold, as it were, an inquisition for the purpose of discovering who the criminal may be when a crime is committed. We have for some time past adopted that principle with much effect. If a fire takes place we have the right to hold an inquiry and take evidence for the purpose of discovering who it was that committed the arson. Does any hon. member say that, so far as that is concerned, there is anything so far astray or wrong? We will pass to the next provision of the Bill, the one concerning summary jurisdiction. It does, as has been correctly stated, in certain misdemeanors, not in matters of felony, but in the minor descriptions of crime,

enable people who are charged with the offences to be tried before two magistrates, who may commit to gaol for a period not exceeding six months. We are a down-trodden race, for have we not been living under the Canada Temperance Act for some years, and that is the power we find within the four corners of that Act. There are many offences which can be tried under our criminal law before magistrates, most of them, I admit, by the consent of the accused; and if our hon. friends will look at our criminal statistics, they will find that, in the greater number of cases, that tribunal is chosen in preference to going before a jury; but in some cases, not all, the accused are compelled to be tried before a stipendiary magistrate, or a police magistrate, whether they will or not. What is to be done, will hon. members say? If juries will not convict, if out of a thousand crimes the convictions are only sixty-two, if judges in assize town after assize town have to adjourn the courts, or to adjourn the trials of the criminal cases, because in the face of the plainest evidence, juries will not convict, I ask hon. gentlemen, who say that this measure should not have been passed, to tell us what should be done. I point to the Act of 1877, to show what we would have done under similar circumstances. I point to the range of our criminal laws to show what we have done from time to time, and I think it hardly lies with the representatives of the people of Canada in this Chamber, which enacts the criminal law, to find fault with the Government of Great Britain and Ireland who have thought proper under these circumstances to ask for these powers. Then there is the power to move for a change of venue, but any hon. member at all familiar with our criminal law knows that that power—I am not now speaking of the trial in England; I will come to that later; I am speaking of the other power to move for a change of venue from one part of Ireland to the other—that that is a power to be found on our criminal law. I do not know when it was passed, but it has been there certainly ever since I have been practising law. And it is

there now. It is really more fenced. It is more difficult under this Bill to have a change of venue than it is under the Canadian criminal code to-day, because it is only on the representation of the attorney general himself—not a mere crown prosecutor—that the motion can be entertained by the court, and the defendant has power to appeal against the decision of any court of first instance that so decides.

MR. MILLS. From one province to another?

MR. McCARTHY. I am speaking of Ireland. I will deal with the other matter in a moment. The hon. member will allow me to get at it step by step. I am not going to attempt to speak of it all at once. So far, at all events, is there anything so very serious in what is called a coercion bill? Is it proper and right, in regard to men who live in the Emerald Isle, under laws which their representatives have had an act and part in making, which are not tyrannical laws, which are fair laws, which are the same laws practically which we have here in this country, some means should be found of enforcing them? Would it be said, would it be admitted, that the English people were fit to govern themselves, or that the Irish people were fit to govern themselves, if they were not equal to emergencies such as these? A free people, freely governed, governed by its own representatives, must in some way endeavor to enforce its laws, and we know that at times the *Habeas Corpus* Act has been suspended. The thought occurs to me that the *Habeas Corpus* Act was suspended in this country, if I remember aright. Surely it is one of the attributes of free men, dealing through the representatives of the people, to so adjust their laws, that law itself shall not be brought into absolute contempt. The hon. member for West Durham, (Mr. Blake,) in reading from the statement of the chief secretary on the introduction of the bill—not that I impute the blame to the hon. member himself, as it is much more likely to have been the accurate statement of the chief secretary—spoke of the power of proclamation, the power to proclaim. There is the power to proclaim, and

why? Because over the great portion of Ireland the law is obeyed. It is only in parts, in the south and south-west, that the law is set at defiance, and it is only in these portions of Ireland that the magisterial powers which have been so objected to are to be enforced. It is not a law for the whole of Ireland. It is not a law for more than the districts where the ordinary law, according to the machinery and with the ordinary means, cannot be enforced. There and there alone, upon the proclamation of the advisers of the crown, can this special procedure obtain. Now I come to another power which this crimes bill gives, and that power is this: If in any of the following cases—and to be accurate, if the house will bear with me, I will read the particular cases—if in these cases the Lord Lieutenant is satisfied that any association is formed for the commission of crime—that is one—or carrying on operations for or by the commission of crimes—that is two—or encouraging or aiding persons to commit crimes—that is three—or promoting or inciting to acts of violence or intimidation—that is four—or interfering with the administration of the law, or disturbing the maintenance of law and of order. Now, if a society is either formed or carried on for any of these purposes, and if there be such a society, would any hon. member in this house; would my hon. friend from Montreal centre, or my hon. friend who has addressed the house, pretend to say that such a society as that should not be put down? If there be such societies in Ireland, formed for the express purpose of committing crime by proclamation those societies may be inhibited. It does not create a new offence. The offence of joining together to commit a crime, is an offence of common law. All it does is, if the Lord Lieutenant for Ireland, upon the advice of those who are responsible to parliament, says that the circumstances exist, there is a presumption that these societies do exist for that purpose, and they may be suppressed; but even that power is limited and guarded, because that proclamation has to be submitted to parliament within seven days after it is passed, if parliament is

then in session, or within seven days after the house meets, if it is not then sitting, and if it is disapproved of by the house the proclamation ceases. There is but to my mind—granting there is sufficient cause, as to which I have already said I am not to be the judge—and I do not pretend to state any opinion—there is to my mind only the objectionable feature to which the hon. member who last addressed the house referred. But this bill is not yet law. The principle of this bill, it is true, has been assented to upon the second reading; but the details of the measure have yet to undergo the scrutiny which no doubt they will receive in the committee of the whole; and how it may emerge from that committee, and finally pass the house of commons, we do not know. That provision is that, if there cannot be, upon the opinion of both the attorneys general of Ireland and England, a fair trial by a jury in Ireland—and, remember, that does not apply to political offences, but to murder, and offences of that class—if there be offences of that kind, if political feeling runs so high, if, in point of fact, the whole neighborhood are mixed up, as it were, with the men who are accused of the crime, if it be agrarian in character, where it is believed to be a virtue and not a crime by those who have committed it and those who abet it, then in such a case there is power to do what? In the case of murder, arson and breaking and firing into dwelling houses, to have the trial take place in England. That is the proposition of Lord Salisbury's government, and what was the proposition of Mr. Gladstone's government? Mr. Gladstone's proposition was that these men should be tried, not by a jury in England, but by a bench of Irish judges. Which is the better of the two? And I noticed the other day that the home secretary for England, Mr. Matthews, thought it might be a good amendment to say that the prisoner should have his choice, either to take a bench of Irish judges, or take his trial in England, just as he pleased. But is it so certain that fair play cannot be had before a jury at the old Bailey? Are the people of

England so united anywhere against Irishmen, when we are told that 150,000 of them went out the other day to Hyde Park to protest against this bill—are they also unanimously of the opinion that Irishmen ought to be hanged at all events, that there is no hope of fair play to be found before an English jury? I ask again, not venturing an opinion myself, what are the responsible advisers of the crown to do? What happened the other day in Dublin? What happened at the assizes referred to by my hon. friend from North Bruce (Mr. McNeill)? Simply, no contradiction of facts, no dispute as to the law. I have an extract here of the charge that was given by Mr. Justice Murphy, and perhaps it may be taken as a sample of the whole. The judge stated to the jury: The case is clear, you are privileged, you can do as you please, the evidence is perfectly uncontradicted, but the privilege is yours of disregarding the evidence. After half-an-hour's deliberation, the jury returned a verdict of not guilty. Gentlemen, said the judge, your verdict is contrary to the evidence, but it is your privilege to disregard your evidence and your oaths. Now, if that is anything like what is happening in various parts of Ireland, owing to these political agitations and this agrarian feeling, then the law is paralyzed, the ordinary means of convicting those who have been guilty of crime are found not to be effectual, and some other means must be discovered, that means is to offer them a trial in England, or before a commission or bench of Irish judges. There is the bill which is called a coercion bill. But what is it a coercion bill for? It is a bill altering, speaking generally, the procedure in criminal cases for the purpose of enforcing the criminal law of the land. That is undoubtedly one means of doing it. Another means is, give them what they want, give them all they desire, give them home rule, and then you will not require the coercion bill. The ordinary criminal law would be sufficient for the suppression of crime. I have only to point out—that I am not standing here as the justifier of Lord Salisbury's government, but it is only fair that it should

be mentioned—that at the same time that a bill for the enforcement of criminal law, is passing through the House of Commons, in the House of Lords there is a bill to relieve the over-burdened, as some would call them, rack-rented tenants. But here again, when we look at statistics what do we find? We are astonished to find how much is made of the rack-rented tenants. Sir, there are over half a million tenants in Ireland, and I am speaking by authority when I say that in the last quarter of last year the number of evictions were 522. What percentage is 522 evictions out of half a million tenants? Out of those we have the heartrending picture of the Glenbigh evictions, we have those about which we are to hear more from the emissary who is now on his way here to enlighten the people of Canada. But if we will only look at home we have no sympathy for our over-burdened farmer, these men, who, sometimes, have been paying to building societies out of which some hon. members have grown wealthy, 15, 16 and 17 per cent. for money, borrowing at 10 per cent., with fines added on until it has grown, as we have known in some cases, 15, 16 and 17 per cent? We know that would have been impossible in Ireland, and we know that it was only the increase in the value of property in Canada that enabled the farmers to pay these exorbitant rates. Well, is it to be said that we would countenance them in banding together, the honest yeomanry of this country, to resist such payment? It is true, it may be said, that they promised to pay this interest. That was their contract, and although the rise in the value of the property has enabled them to pay it, would we justify them in banding together and refusing to pay? I think we ought, under these circumstances, to be careful what we are about to do. Now, the position I ask this house to adopt, and the proposition I propose, before I sit down, to place formally in the Speaker's hands, is on the lines of the observations I have endeavored to make. But, I desire it to be perfectly well understood that I am not taking a position for or against this coercion bill. I have stated one side, because there have been a number of the members of

this house who have told us the other. I have pointed out what this law is. If we are told to deal with the law, if we are to offer an opinion about it, certainly it is only right that we should consider it well, and clearly understand what we are doing. Now, we have obtained our own freedom and our right to govern ourselves, and it behoves us not to invite, by meddling with the affairs of other people, interference in our own concerns. I want to know how any hon. member in this house can undertake to pass such a resolution as this, saying that a particular measure submitted to the British Parliament, ought not to be passed—I would like to know what that hon. member will by-and-bye say if the British Parliament, with greater power and authority, pass a resolution which will affect our our dearest interests and interfere with our local concerns. Surely, if we have a right, with our delegated power under the British North America Act, to say to them: You are wrong in passing that Bill, can we with any consistency deny to the British Parliament the right to deal with our affairs when you think proper? Surely what is sauce for the goose is sauce for the gander; surely it is a poor rule that will not work both ways; surely we will find ourselves in a difficult position. But this is to be said: While our resolution is practically ineffective, while our resolution sent home to Lord Salisbury, if you are going to send it, and to Mr. Parnell and to Mr. Gladstone, will get into the papers and be read and possibly thrown into the paper basket, their resolutions will have practically the effect of law.

MR. CUPERAN. No, no.

MR. McCARTHY. The hon. gentleman is wrong, if he will allow me to say so, when he says "no, no," to that statement. What the Parliament of Great Britain enacts overrides the law passed by this Parliament. They could determine by statute what our Customs law should be.

MR. MITCHELL. I should like to see them try it.

MR. McCARTHY. I do not think they will.

MR. MITCHELL. I do not think so.

MR. McCARTHY. I agree that they will not try it, but if they were to try it, I do not know very much what we could say—

MR. MITCHELL. We are remonstrating.

MR. McCARTHY. We are doing a little more. We are asked to say by this resolution:

"That this House has learned, with profound regret, of the introduction into the Imperial House of Commons "of the Coercion Bill above mentioned, "and protests against its adoption, as "being subversive of the rights and "liberties of Her Majesty's subjects in "Ireland."

That is what we are asked here to vote upon.

MR. MITCHELL. We will alter that.

MR. McCARTHY. There has been no suggestion of alteration.

MR. MITCHELL. Yes, there has.

MR. McCARTHY. That is the way the matter stands before us now. No matter how we alter it, we shall all find ourselves in this difficulty: You have the right to govern yourselves, nobody is interfering with it; but you are not satisfied with that, you want to govern somebody else to whom you are not responsible.

AN HON. MEMBER. No.

MR. McCARTHY. Then this means nothing. It is no good, and it is not intended to effect any result. Is it for the people out of doors? Are we passing these resolutions, are we making these speeches about liberty and right and freedom for Ireland and all the rest of it, for the people out doors here, and not with any intention of doing the people of Ireland any good? It must be one way or the other, and the hon. member can accept either horn of the dilemma he pleases.

MR. LANDERKIN. How about yourself?

MR. McCARTHY. I say we should not interfere. I am making what the hon. member for South Grey (Mr. Landerkin) perfectly well knows is not a popular speech.

MR. MITCHELL. Hear, hear.

MR. McCARTHY. What the hon. gen-

tleman with his knowledge of the constituencies of Ontario from which we both come, would not make, though, perhaps I am speaking his sentiments. But I say this, that I will not stand here as the representative of any constituency under any false colors or false representations. While I have a large Irish population in my constituency, the confidence of many of whom I have the honor to enjoy, I am not afraid to speak to those men and argue this question fairly and squarely before them, and I think they will agree that the course I propose to ask the House to adopt is after all the best one in the interest of the Dominion. A word has been said against the hon. member for Muskoka (Mr. O'Brien), a rebuke has been administered to him for the language used by him with respect to William O'Brien who is about to come to talk to us and tell us of the iniquities of His Excellency the Governor General. Sir, if the hon. member for Muskoka used strong language, I think perhaps it did credit, if not to his head, certainly to his heart. His Excellency the Governor General is to a certain extent, if not altogether, in the position of a man who cannot defend himself in this country. He is in the position of a man who cannot take the platform and answer William O'Brien, or state his side of the case, and it is on a subject with which we are unfamiliar, and about which the people of this country are not perhaps very well capable of forming a correct judgment. And what will William O'Brien say when he gets here? When we have heard what has to be said, perhaps he will find that the atmosphere of free Canada recognizes the rights of both sides, and does not wholly disregard the rights of a man because he happens to occupy a position of authority.

Speaking of Lord Lansdowne these were his words:

"Lord Lansdowne thinks he can safely snap his fingers at you because he is 4,000 miles away governor general of Canada. I tell you here to-day that the voice of the Irish nation is loud enough and strong enough to reach him in his palace gates in Ottawa, aye, or if he were to go into the deepest backwoods

"of an English settlement to hide himself. I warn them here to-day if Trench dare to lay a robber hand upon any house of the honest man in the Queen's county, we will carry the war into Canada, we will meet him at his palace gate, and we will make the air ring with his fame as an evictor and an exterminator. We will teach him night and day the wide world over, and from one end of that Dominion of Canada to the other I promise him on the part of the Irish in Canada that wherever he goes he will find Irish hearts and Irish throats that will hoot him and boycott him and hunt him with execrations out of that great free land."

Is there an hon. member in the house who has read that speech and can say, as the hon. member for West Durham (Mr Blake), has said to-night, that he hopes he will have a patient hearing, and will not be disturbed. I confess I am not able to understand from whence that hope springs. I think that such a statement as that was calculated to arouse the blood of every honest member of this house and every man who reads it in this country. But, perhaps it is only a specimen of the manner in which the war is being conducted on the other side of the Atlantic; and if that be so, we may not wonder so much at the way in which the law requires amendment. I have endeavoured to give grounds for the conclusion to which I invite this house to arrive. I have only to say now that I have not made any attempt to follow the hon. member for North Bruce, (Mr. McNeil), whose speech was an ornament to this house, and a credit to the hon. member himself; I have endeavored to lay down what I believe to be safe principles for our guidance and governance, and I think this house will find if we depart from the principles of self-government we enjoy, if we invade the rights of other representations, if we undertake to do more than govern ourselves, we shall be bringing trouble on ourselves, which by-and-by we may have cause to regret. Do we remember—and it is the last ob-

servation I propose to make on this subject—that those rents that are so much complained about were fixed by and under the Gladstone bill in 1881, or could have been fixed? Do we not remember that the practical settlement, as it were, of the rents is what is now complained of? Do we not know that these tenants enjoy more and better rights and greater privileges than any other tenantry in the world? Do we not know that their tenant right is made as fixed and certain and definite as landlord's right is, and in many cases is more valuable? Do we not know, while I admit that rent, owing to the fall of prices, is higher now than possibly in some cases can be paid, in most instances the landlords are willing, and bound of necessity, to meet the tenants half way? Then where are the great grievances of which we hear? The contracts were made, and I acknowledge that these poor peasants were not in a position to make free contracts with their landlords. I acknowledge that, from their land hunger, as it may be called, their bidding against one another to such an extent in the desire to acquire land, they were agreeing to pay rents which had become impossible to pay. But do we not know that that was the reform effected by Mr. Gladstone's bill? Do we not know that Mr. Gladstone said, since this is so the courts will settle a fair rent, and they were settled on what we supposed to be fair basis? To-day it is said that the rents are too high, but so are the rents of every man in this country who made his bargain five or six years ago, because if prices fell there prices have fallen here, and perhaps to a still greater extent. But does that form an excuse for crime? because that and that only is the pertinent point, so far as the present position of affairs is concerned. Now we are asked to send these resolutions, not to our gracious sovereign, because we have been told by Mr. Gladstone himself in very plain and unmistakable language, that he wants none of our advice. I saw a statement in a newspaper the other day that Mr. Gladstone invited the opinion of Americans upon the question of home rule. But we know that Mr. Gladstone some-

times speaks with greater freedom and with less responsibility than at others. We know he has had to excuse his statements and utterances in that way, but we have a formal statement, not as the hon. member for West Durham said, of a colonial secretary merely, but the formal statement of the government of Mr. Gladstone, telling us in answer to the most respectful resolutions which it was possible for a parliament to frame or pass on the question of home rule, or any other matter, that :

" Her Majesty will always gladly receive the advice of the parliament of Canada on all matters relating to the Dominion and the administration of its affairs ; but with respect to the questions referred to in the address " Her Majesty will in accordance with "the constitution of this country, have " regard to the advice of the Imperial " parliament and ministers, to whom all " matters relating to the affairs of the " United Kingdom exclusively appertain."

We have taken that hint. We do not address her majesty any longer, but like respectful subjects, we get around it and address the prime minister. But we propose not only to address the prime minister, but to address also the leader of the opposition and, as there is another minor opposition, Mr. Parnell is to have our opinions as well. I do not know why it is that Lord Hartington, whose following is quite as large as that of Mr. Parnell, is not to be favored with our views on this question ; perhaps he is to be put in too. I think we hardly have regard to our own position. I think the great parliament of this free country, if not at liberty to address the Crown, ought not to be called on to pass an address to any particular individual. I think it better behoves our dignity to omit that last passage. If we must pass an address, if we know so much about this question, if we are so full of burning zeal and knowledge as to press our views on the parliament of Great Britain, I think we had better allow them to reach the persons for whom they are intended in some other way than this. But for my part, to whomsoever else it may be sent, I shall most certainly vote against send-

ing it to Mr. Parnell. I am not going to say that Mr. Parnell is the associate of murderers, as we are told he is. I am not going to accuse him of having written that letter which, if he did write it, must always make him the most contemptible of all mankind; because we are told that he came down to the House of Commons arrayed in mourning to express his regret for the assassination in Phoenix Park. And if at that moment he was in communication with the society which had done these men to death, no language I can use, or that any member of this House can use, would be too strong to condemn Mr. Parnell from whatever point of view he may be looked at. But I do say that it hardly agrees with the position we hold to send an address of this kind to Mr. Parnell, who has not taken, up to the last intelligence we have received, the means of freeing himself from the stain which has been cast upon him. The hon. member for Bothwell, (Mr. Mills), and the hon. member for West Durham (Mr. Blake) have already decided in Mr. Parnell's favor. They have already pronounced that he is not the author of that letter, and various reasons are given for coming to that conclusion. I never understood that the letter implied or meant that Mr. Parnell had actually directed the assassination of these men. I apprehend that all the letter means that Mr. Parnell was in communication with those who had done Lord Cavendish and Mr. Burke to death in the Phoenix Park. I would like to know what Mr. Parnell's course is. The London *Times* has, with care and deliberation, published reasons for coming to the conclusion that Mr. Parnell and his associates—but I will read the deliberate words of the *Times* published in the early part of March :

" Be the ultimate goal of these men " what it will, they are content to march " towards it in the company of murderers ; " murderers provide their funds ; mur- " derers share the inmost councils ; mur- " derers have gone forth from the league " offices to set their bloody work afoot " and have presently returned to consult " constitutional leaders on the advance- " ment of the cause."

This statement was made with deliberation ; the conclusion was argued out for every man to read for himself—proved, so to speak, from the writings and speeches of these men themselves ; the day and date and place of publication given to those who choose to study it. Mr. Parnell has been challenged, and there is no other way open to a man thus assailed than to bring the so-called libeller to justice ; and finally these words—emphatic enough in all conscience, deliberate enough, clear enough, unmistakable in their meaning—have been followed up by the publication of the letter. And when Mr. Parnell gets up in the house of commons and denies being the author of it, he is told by the great Thunderer : Mr. Parnell, your big words do not frighten us ; we have not published this statement without care and without examination and we challenge you to come into a place and give us your oath on the subject and undergo a cross-examination which will enable the people of England and the people of the world, no matter what the jury may do, to decide on your guilt or innocence. And it has been pointed out to Mr. Parnell that he can bring that matter before an Irish jury, as we know that he can, before a Scotch jury or before an English jury, but Mr. Parnell refuses the ordeal. Then, Sir, if Mr. Parnell continues to refuse that, what will be the verdict of mankind ? The hon. gentleman pronounced in advance in favor of his innocence ; and certainly if Mr. Parnell took the course which I venture to say an honorable man ought to take, we ought to esteem him innocent until he is proven to be guilty ; but if Mr. Parnell denies to his character the only means of its justification, the verdict of mankind and the verdict of posterity

will be in favor of the charge being true. Under these circumstances ought we to send this document to Mr. Parnell ? Ought we to show that we accept the *ipse dixit* of one or two gentlemen who seem to think they know all about this matter ? Ought we not, at any rate, to obliterate his name from the resolution, even if we think proper to send it to the Prime Minister and to Mr. Gladstone ? I think, perhaps, we would be doing more justice to ourselves if, in the event of the resolution receiving the assent of the House, that course should be adopted. I will therefore move, in amendment to the amendment :

That all the words after the word "That" in the main motion be struck out, and the following added instead thereof :—"this House, while justly jealous of any interference in the local affairs of Canada within the jurisdiction of this Parliament or of the Legislative Assemblies of the several Provinces of the Dominion, either by the Imperial Parliament or other Legislative body of the British Empire, cannot without inviting such interference fail to recognize it, within the exclusive right of the Imperial Parliament to legislate respecting matters solely appertaining to the domestic affairs of the United Kingdom; than which none can be more absolutely of local concern than the due and proper administration of the law within the bounds of Great Britain and Ireland.

"That, therefore, it is expedient and unwise for this House to express any opinion or in anywise to interfere with the Imperial Parliament as to the course to be adopted by it respecting the Bill now before the House of Commons for the amendment of the Criminal law and Procedure (Ireland)."